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Tables and Index 1997

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Tables and Index 1997

Cases reported and considered
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Introduction

The Tables and Index 1997 covers all the cases reported in the five volumes of the All England Law Reports for 1997 (including the European Cases volume) and is a continuation of the Consolidated Tables and Index 1936–1995 and the Tables and Index 1996. For information concerning the use of this index readers should refer to the introductions to volumes 1 and 2 of the 1936–1995 index.

The tables and index consists of five sections:

- a table of cases reported and judicially considered; this tables lists alphabetically all cases reported in the All England Law Reports in 1997, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, i e applied, distinguished, overruled and so on, in cases reported during 1997
- a table of practice directions and notes issued in 1997
- a table of statutes etc judicially considered in 1997
- a table of words and phrases judicially considered in 1997
- a subject index, including a full system of cross-references, of all cases reported in 1997

The Tables and Index 1997 together with the Tables and Index 1996 and the three volumes of the Consolidated Tables and Index 1936–1995 provide a complete index of cases reported in the All England Law Reports from 1936 to the end of 1997.

The index is separate from the 1997 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

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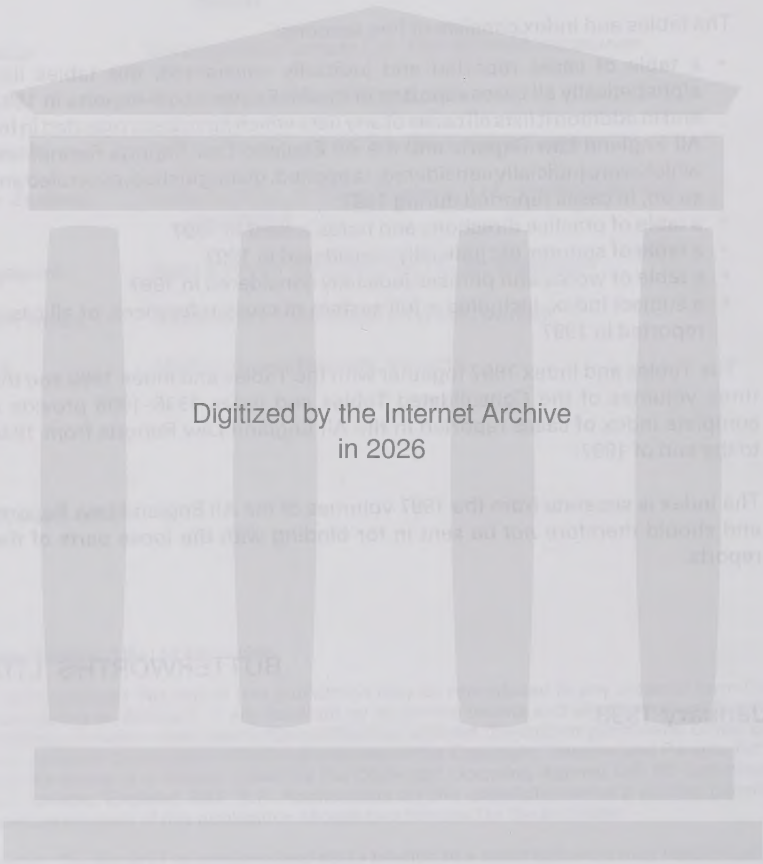

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Considered, R v City of London Magistrates' Court, ex p Green [1997] **3** 551
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Applied, Süzen v Zehnacker Gebäudereinigung GmbH Krankenhausservice (Case C-13/95) [1997] **EC** 289
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Reversed in part [1948] **2** 429, CA
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Applied, R v Secretary of State for Social Security, ex p Sutton (Case C-66/95) [1997] **EC** 497
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Price Waterhouse (a firm), Bank of Credit and Commerce International (Overseas) Ltd (in liq) v (Abu Dhabi and ors, third parties). *See* Bank of Credit and Commerce International (Overseas) Ltd (in liq) v Price Waterhouse (a firm) (Abu Dhabi and ors, third parties)
Price Waterhouse (a firm), Bank of Credit and Commerce International (Overseas) Ltd (in liq) v (Abu Dhabi and ors, third parties) (Bank of England intervening). *See* Bank of Credit and Commerce International (Overseas) Ltd (in liq) v Price Waterhouse (a firm) (Abu Dhabi and ors, third parties) (Bank of England intervening)
Public Works Comrs v Angus & Co [1881–5] 1, HL
Dictum applied, Hunter v Canary Wharf Ltd [1997] **2** 426
Purvis, Re [1997] **3** 663, Ch D

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Quennell v Maltby [1979] **1** 568, CA
Dictum applied, Albany Home Loans Ltd v Massey [1997] **2** 609

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R v Acott [1996] **4** 443, CA
Affirmed [1997] **1** 706, HL
R v Anderson and Morris [1966] **2** 644, CCA
Dictum applied, R v Powell [1997] **4** 545
R v Arnold. *See* R v Fellows
R v Arnold [1997] **4** 1, CA
R v Associated Octel Co Ltd [1994] **4** 1051, CA
Affirmed [1996] **4** 846, HL
Applied, R v Gateway Foodmarkets Ltd [1997] **3** 78
R v Blake [1997] **1** 963, CA
R v Blastland [1985] **2** 1095, HL
Dictum applied, R v Myers [1997] **4** 314
R v Bolton Justices, ex p Scally [1991] **2** 619, QBD
Distinguished, R v Criminal Injuries Compensation Board, ex p A [1997] **3** 745
R v Brixton Prison Governor, ex p Ahson [1969] **2** 347, QBD
Not followed, R v Secretary of State for the Home Dept, ex p Rahman [1997] **1** 796
R v Brown [1996] **1** 545, HL
Applied, R v Fellows [1997] **2** 548
R v Brown [1997] **3** 769, HL
R v Burstow. *See* R v Ireland
R v Cambridge Health Authority, ex p B [1995] **2** 129, CA
Dictum applied, R v Chief Constable of Sussex, ex p International Trader's Ferry Ltd [1997] **2** 65
R v Camden London BC, ex p Martin [1997] **1** 307, QBD
R v Central Criminal Court, ex p Abu-Wardeh [1997] **1** 159, QBD
R v Chan-Fook [1994] **2** 552, CA
Applied, R v Ireland [1997] **1** 112
Approved, R v Ireland [1997] **4** 225

R v Chief Constable of Sussex, ex p International Trader's Ferry Ltd [1995] **4** 364, QBD
Reversed in part [1997] **2** 65, CA
Leave to appeal given HL 15 July 1997
R v Chief Constable of the North Wales Police, ex p AB [1997] **4** 691, QBD
R v Chief Constable of the Royal Ulster Constabulary, ex p Begley [1997] **4** 833, HL
R v Chief Constable of the West Midlands Police, ex p Wiley [1994] **1** 702, CA
Reversed [1994] **3** 420, HL
Considered, Savage v Chief Constable of the Hampshire Constabulary [1997] **2** 631
R v Chrastny (No 2) [1992] **1** 193, CA
Applied, R v Clark [1997] **4** 803
R v Church [1965] **2** 72, CCA
Considered, A-G's Reference (No 3 of 1994) [1997] **3** 936
R v City of London Magistrates' Court, ex p Green [1997] **3** 551, QBD
R v Clark [1997] **4** 803, CA
R v Criminal Injuries Compensation Board, ex p A [1997] **3** 745, CA
R v Cripps, ex p Muldoon [1983] **3** 72, QBD
Affirmed [1984] **2** 705, CA
Distinguished, Electricity Supply Nominees Ltd v Farrell [1997] **2** 498
R v Crown Court at Lincoln, ex p Jude [1997] **3** 737, QBD
R v Crown Court at Maidstone, ex p Connell. *See* R v Crown Court at Maidstone, ex p Lever
R v Crown Court at Maidstone, ex p Lever [1995] **2** 35, CA
Leave to appeal refused [1997] **1** xix, HL
R v Crown Court at Reading, ex p Hutchinson [1988] **1** 333, QBD
Considered, R v Wicks [1997] **2** 801
R v Cunningham [1981] **2** 863, HL
Considered, A-G's Reference (No 3 of 1994) [1997] **3** 936
R v Dalby [1982] **1** 916, CA
Distinguished, A-G's Reference (No 3 of 1994) [1997] **3** 936
R v Davis [1993] **2** 643, CA
Dictum applied, R v Mills [1997] **3** 780
R v Dickens [1990] **2** 626, CA
Applied, R v Clark [1997] **4** 803
R v Emmett [1997] **4** 737, HL
R v English. *See* R v Powell
R v Fellows [1997] **2** 548, CA
R v Friend [1997] **2** 1011, CA
R v Gateway Foodmarkets Ltd [1997] **3** 78, CA
R v Gloucestershire CC, ex p Barry [1996] **4** 421, CA
Reversed [1997] **2** 1, HL
Considered, R v Sefton Metropolitan BC, ex p Help the Aged [1997] **4** 532
R v Governor of Belmarsh Prison, ex p Francis [1995] **3** 634, QBD
Dictum disapproved, R v Governor of Brixton Prison, ex p Levin [1997] **3** 289
R v Governor of Blundeston Prison, ex p Gaffney [1982] **2** 492, QBD
Disapproved, R v Governor of Brockhill Prison, ex p Evans [1997] **1** 439
Not followed, R v Secretary of State for the Home Dept, ex p Naughton [1997] **1** 426
R v Governor of Brixton Prison, ex p Levin [1996] **4** 350, QBD
Affirmed [1997] **3** 289, HL
R v Governor of Brockhill Prison, ex p Evans [1997] **1** 439, QBD
R v Governor of Onley Young Offender Institution, Rugby, ex p Reid. *See* R v Governor of Brockhill Prison, ex p Evans
R v Governor of Pentonville Prison, ex p Budlong [1980] **1** 701, QBD
Applied, R v Secretary of State for the Home Dept, ex p Launder [1997] **3** 961
R v Hampshire [1995] **2** 1019, CA
Considered, DPP v M [1997] **2** 749
R v Harrow Justices, ex p Jordan [1997] **2** 344, QBD
R v Highbury Corner Magistrates' Court, ex p Ewing [1991] **3** 192, CA
Considered, Jones v Vans Colina [1997] **1** 768
R v HM Treasury, ex p Centro-Com Srl (Case C-124/95) [1997] **EC** 193, ECJ
R v Horsman [1997] **3** 385, CA
R v Human Fertilisation and Embryology Authority, ex p Blood [1997] **2** 687, CA
R v Ireland [1997] **1** 112, CA
Affirmed [1997] **4** 225, HL
R v Johnson [1989] **1** 121, CA
Considered, Savage v Chief Constable of the Hampshire Constabulary [1997] **2** 631
R v King's Lynn Magistrates' Court, ex p Holland [1993] **2** 377, QBD
Dictum approved, R v Governor of Brixton Prison, ex p Levin [1997] **3** 289
R v Lancashire CC, ex p Royal Association for Disability and Rehabilitation. *See* R v Gloucestershire CC, ex p Barry
R v Law Society, ex p Alliance and Leicester Building Society. *See* R v Law Society, ex p Mortgage Express Ltd
R v Law Society, ex p Ingman Foods Oy AB [1997] **2** 666, QBD
R v Law Society, ex p Mortgage Express Ltd [1997] **2** 348, CA
Leave to appeal refused [1997] **3** xvi, HL
Applied, R v Law Society, ex p Ingman Foods Oy AB [1997] **2** 666
R v Lord Chancellor, ex p Witham [1997] **2** 779, QBD
R v McWilliams. *See* R v Chief Constable of the Royal Ulster Constabulary, ex p Begley
R v Maguire [1992] **2** 433, CA
Applied, R v Mills [1997] **3** 780
R v Mills [1997] **3** 780, HL
R v Ministry of Agriculture Fisheries and Food, ex p Hamble (Offshore) Fisheries Ltd [1995] **2** 714, QBD
Dictum overruled, R v Secretary of State for the Home Dept, ex p Hargreaves [1997] **1** 397
R v Myers [1997] **4** 314, HL
R v National Insurance Comr, ex p Secretary of State for Social Services [1981] **2** 738, CA
Dictum applied, Cockburn v Chief Adjudication Officer [1997] **3** 844
R v Newark and Southwell Justices, ex p Keenaghan. *See* R v Stockport Justices, ex p Conlon
R v North Humberside and Scunthorpe Coroner, ex p Jamieson [1994] **3** 972, CA
Applied, R v Surrey Coroner, ex p Wright [1997] **1** 823

R v North West London Mental Health NHS Trust, ex p Stewart [1997] **4** 871, CA
R v Oldham Justices, ex p Cawley [1996] **1** 464, QBD
Considered, R v Stockport Justices, ex p Conlon [1997] **2** 204
R v Poole. *See* R v Mills
R v Powell [1997] **4** 545, HL
R v Preston [1993] **4** 638, HL
Distinguished, R v Rasool [1997] **4** 439
R v Radio Authority, ex p Bull [1995] **4** 481, QBD
Affirmed [1997] **2** 561, CA
R v Rankine [1986] **2** 566, CA
Considered, Savage v Chief Constable of the Hampshire Constabulary [1997] **2** 631
R v Rasool [1997] **4** 439, CA
Leave to appeal refused [1997] **4** xvi, HL
R v Redbourne [1993] **2** 753, CA
Dictum considered, R v Clark [1997] **4** 803
R v Savage, R v Parmenter [1991] **4** 698, HL affirming R v Savage [1991] **2** 220, CA; reversing R v Parmenter [1991] **2** 225, CA
Applied, R v Ireland [1997] **1** 112
R v Secretary of State for Employment, ex p Seymour-Smith [1996] **EC** 1, CA
Reversed in part [1997] **2** 273, HL
R v Secretary of State for the Home Dept, ex p Fayed [1997] **1** 228, CA
R v Secretary of State for the Home Dept, ex p Fininvest SpA [1997] **1** 942, QBD
R v Secretary of State for the Home Dept, ex p Hargreaves [1997] **1** 397, CA
R v Secretary of State for the Home Dept, ex p Hill [1997] **2** 638, QBD
Leave to appeal refused [1997] **3** xvi, HL
R v Secretary of State for the Home Dept, ex p Launder [1997] **3** 961, HL
R v Secretary of State for the Home Dept, ex p Leech [1993] **4** 539, CA
Considered, R v Lord Chancellor, ex p Witham [1997] **2** 779
R v Secretary of State for the Home Dept, ex p Naughton [1997] **1** 426, QBD
Considered, R v Governor of Brockhill Prison, ex p Evans [1997] **1** 439
R v Secretary of State for the Home Dept, ex p Radiom (Joined cases C-65/95 and C-111/95). *See* R v Secretary of State for the Home Dept, ex p Shingara (Joined cases C-65/95 and C-111/95)
R v Secretary of State for the Home Dept, ex p Rahman [1996] **4** 945, QBD
Affirmed [1997] **1** 796, CA
Leave to appeal refused [1997] **1** xix, HL
R v Secretary of State for the Home Dept, ex p Robinson [1997] **4** 210, CA
R v Secretary of State for the Home Dept, ex p Shingara (Joined cases C-65/95 and C-111/95) [1997] **EC** 577, ECJ
R v Secretary of State for the Home Dept, ex p Thompson. *See* R v Secretary of State for the Home Dept, ex p Venables
R v Secretary of State for the Home Dept, ex p Venables [1997] **1** 327, CA
Affirmed [1997] **3** 97, HL
R v Secretary of State for Social Security, ex p Sutton (Case C-66/95) [1997] **EC** 497, ECJ
R v Secretary of State for Transport, ex p Factortame Ltd (Case C-221/89) [1991] **3** 769, ECJ
Applied, R v HM Treasury, ex p Centro-Com Srl (Case C-124/95) [1997] **EC** 193
R v Sefton Metropolitan BC, ex p Help the Aged [1997] **4** 532, CA
R v Smith (Wesley) (1961) [1963] **3** 597, CCA
Applied, R v Powell [1997] **4** 545
R v South Molton Justices, ex p Ankerson [1988] **3** 989, QBD
Dicta not followed, R v Crown Court at Lincoln, ex p Jude [1997] **3** 737
R v Stockport Justices, ex p Conlon [1997] **2** 204, QBD
R v Surrey Coroner, ex p Wright [1997] **1** 823, QBD
R v Ward [1993] **2** 577, CA
Doubted in part, R v Mills [1997] **3** 780
R v Wicks [1997] **2** 801, HL
R v Wilson [1997] **1** 119, CA
R v Woking Justices, ex p Gossage [1973] **2** 621, QBD
Dictum applied, R v Crown Court at Lincoln, ex p Jude [1997] **3** 737
R v Z [1990] **2** 971, CA
Considered, DPP v M [1997] **2** 749
RA Securities Ltd v Mercantile Credit Co Ltd [1995] **3** 581, Ch D
Applied, Johnson v Davies [1997] **1** 921
Radio Authority, R v, ex p Bull. *See* R v Radio Authority, ex p Bull
Radiom, ex p, R v Secretary of State for the Home Dept (Joined cases C-65/95 and C-111/95). *See* R v Secretary of State for the Home Dept, ex p Shingara (Joined cases C-65/95 and C-111/95)
Rahman, ex p, R v Secretary of State for the Home Dept. *See* R v Secretary of State for the Home Dept, ex p Rahman
Rahn, Mahon v. *See* Mahon v Rahn
Ramsay (W T) Ltd v IRC [1978] **2** 321, Ch D
Reversed [1979] **3** 213, CA
Affirmed [1981] **1** 865, HL
Applied, IRC v McGuckian [1997] **3** 817
Rantzen v Mirror Group Newspapers (1986) Ltd [1993] **4** 975, CA
Considered, Thompson v Comr of Police of the Metropolis [1997] **2** 762
Rasool, R v. *See* R v Rasool
Rastin v British Steel plc [1994] **2** 641, CA
Applied, Bannister v SGB plc [1997] **4** 129
Rata, Cobra Golf Ltd v. *See* Cobra Golf Ltd v Rata
Reid, ex p, R v Governor of Onley Young Offender Institution, Rugby. *See* R v Governor of Brockhill Prison, ex p Evans
Remilien, Secretary of State for Social Security v. *See* Secretary of State for Social Security v Remilien
Ribby Hall Leisure Ltd, Taylor v. *See* Taylor v Ribby Hall Leisure Ltd
Rice v Connolly [1966] **2** 649, QBD
Dictum applied, R v Chief Constable of the North Wales Police, ex p AB [1997] **4** 691
Riddick v Thames Board Mills Ltd [1977] **3** 677, CA
Considered, Mahon v Rahn [1997] **3** 687

Rigby v Chief Constable of Northamptonshire [1985] **2** 985, QBD
Applied, Capital and Counties plc v Hampshire CC [1997] **2** 865
Rightside Properties Ltd v Gray [1974] **2** 1169, Ch D
Applied, Country and Metropolitan Homes Surrey Ltd v Topclaim Ltd [1997] **1** 254
Rio Tinto Zinc Corp v Westinghouse Electric Corp [1978] **1** 434, HL (reversing [1977] **3** 703, CA; affirming [1977] **3** 717, CA)
Distinguished, R v Secretary of State for the Home Dept, ex p Fininvest SpA [1997] **1** 942
River Gurara (cargo owners) v Nigerian National Shipping Line Ltd [1997] **4** 498, CA
River Gurara, The. *See* River Gurara (cargo owners) v Nigerian National Shipping Line Ltd
Robertson v Banham & Co (a firm) [1997] **1** 79, CA
Robinson, ex p, R v Secretary of State for the Home Dept. *See* R v Secretary of State for the Home Dept, ex p Robinson
Rock Refrigeration Ltd v Jones [1997] **1** 1, CA
Roebuck v Mungovin [1994] **1** 568, HL
Distinguished, Hunter v Skingley [1997] **3** 568
Rondel v Worsley [1966] **1** 467, QBD
Affirmed [1966] **3** 657, CA
Affirmed [1967] **3** 993, HL
Considered, Acton v Graham Pearce & Co (a firm) [1997] **3** 909
Rosgill Group Ltd v Customs and Excise Comrs [1997] **3** 1012, CA
Leave to appeal refused [1997] **4** xvi, HL
Rosseel NV v Oriental Commercial and Shipping (UK) Ltd [1990] **3** 545, CA
Explained, Crédit Suisse Fides Trust SA v Cuoghi [1997] **3** 724
Followed, S & T Bautrading v Nordling [1997] **3** 718
Rotsart de Hertaing v J Benoidt SA (in liq) (Case C-305/94) [1997] **EC** 40, ECJ
Rowell v Pratt [1936] **2** 576, CA
Reversed [1937] **3** 660, HL
Applied, Bank of Credit and Commerce International (Overseas) Ltd (in liq) v Price Waterhouse (a firm) (Abu Dhabi and ors, third parties) (Bank of England intervening) [1997] **4** 781
Rowland v Turp. *See* Performing Right Society Ltd v Rowland
Rowland, Performing Right Society Ltd v. *See* Performing Right Society Ltd v Rowland
Roy v Kensington and Chelsea and Westminster Family Practitioner Committee [1992] **1** 705, HL
Applied, Trustees of the Dennis Rye Pension Fund v Sheffield City Council [1997] **4** 747
Royal Association for Disability and Rehabilitation, ex p, R v Lancashire CC. *See* R v Gloucestershire CC, ex p Barry
Royal Bank of Scotland plc v Etridge [1997] **3** 628, CA
Royal Boskalis Westminster NV v Mountain [1997] **2** 929, CA
Royal Trust Co of Canada v Markham [1975] **3** 433, CA
Applied, Cheltenham and Gloucester plc v Krausz [1997] **1** 21
RTZ Corp plc, Connelly v. *See* Connelly v RTZ Corp plc
Rutten v Cross Medical Ltd (Case C-383/95) [1997] **EC** 121, ECJ
Rye v Rye [1960] **3** 810, CA
Disapproved on the facts; affirmed on different legal grounds [1962] **1** 146, HL
Applied, Ingram and anor (exors of the estate of Lady Ingram (decd)) v IRC [1997] **4** 395

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S (a minor) (custody: habitual residence), Re [1997] **4** 251, HL
S & T Bautrading v Nordling [1997] **3** 718, CA
Not followed, Crédit Suisse Fides Trust SA v Cuoghi [1997] **3** 724
Saif Ali v Sydney Mitchell & Co (a firm) (P, third party) [1977] **3** 744, CA
Reversed [1978] **3** 1033, HL
Applied, Kelley v Corston [1997] **4** 466
Considered, Acton v Graham Pearce & Co (a firm) [1997] **3** 909
Salt Union Ltd (Verein Deutsche Salzindustrie eV intervening) v European Commission (Frima BV intervening) (Case T-330/94) [1997] **EC** 73, CFI
Sarrio SA v Kuwait Investment Authority [1997] **4** 929, HL
Saunders (a bankrupt), Re [1997] **3** 992, Ch D
Savage v Chief Constable of the Hampshire Constabulary [1997] **2** 631, CA
Savjani v IRC [1981] **1** 1121, CA
Applied, Farah v Comr of Police of the Metropolis [1997] **1** 289
Schtraks v Government of Israel [1962] **2** 176, QBD
Affirmed [1962] **3** 529, HL
Considered, R v Secretary of State for the Home Dept, ex p Fininvest SpA [1997] **1** 942
Schweppes Ltd's Agreement, Re (No 2) [1971] **2** 1473, Ch D
Dictum disapproved, MD Foods plc (formerly Associated Dairies Ltd) v Baines [1997] **1** 833
Secretary of State for Employment, R v, ex p Seymour-Smith. *See* R v Secretary of State for Employment, ex p Seymour-Smith
Secretary of State for the Environment, Okolo v. *See* Okolo v Secretary of State for the Environment
Secretary of State for the Environment, Omoregei v. *See* Okolo v Secretary of State for the Environment
Secretary of State for the Home Dept, Adan v. *See* Adan v Secretary of State for the Home Dept
Secretary of State for the Home Dept, Pierson v. *See* Pierson v Secretary of State for the Home Dept
Secretary of State for the Home Dept, R v, ex p Fayed. *See* R v Secretary of State for the Home Dept, ex p Fayed
Secretary of State for the Home Dept, R v, ex p Fininvest SpA. *See* R v Secretary of State for the Home Dept, ex p Fininvest SpA
Secretary of State for the Home Dept, R v, ex p Hargreaves. *See* R v Secretary of State for the Home Dept, ex p Hargreaves
Secretary of State for the Home Dept, R v, ex p Hill. *See* R v Secretary of State for the Home Dept, ex p Hill
Secretary of State for the Home Dept, R v, ex p Launder. *See* R v Secretary of State for the Home Dept, ex p Launder
Secretary of State for the Home Dept, R v, ex p Naughton. *See* R v Secretary of State for the Home Dept, ex p Naughton
Secretary of State for the Home Dept, R v, ex p Pierson. *See* Pierson v Secretary of State for the Home Dept
Secretary of State for the Home Dept, R v, ex p Radiom (Joined cases C-65/95 and C-111/95). *See* R v Secretary of State for the Home Dept, ex p Shingara (Joined cases C-65/95 and C-111/95)

Secretary of State for the Home Dept, R v, ex p Rahman. *See* R v Secretary of State for the Home Dept, ex p Rahman
Secretary of State for the Home Dept, R v, ex p Robinson. *See* R v Secretary of State for the Home Dept, ex p Robinson
Secretary of State for the Home Dept, R v, ex p Shingara (Joined cases C-65/95 and C-111/95). *See* R v Secretary of State for the Home Dept, ex p Shingara (Joined cases C-65/95 and C-111/95)
Secretary of State for the Home Dept, R v, ex p Thompson. *See* R v Secretary of State for the Home Dept, ex p Venables
Secretary of State for the Home Dept, R v, ex p Venables. *See* R v Secretary of State for the Home Dept, ex p Venables
Secretary of State for Social Security v Fairey. *See* Cockburn v Chief Adjudication Officer
Secretary of State for Social Security v Remilien [1996] **EC** 850, CA
Leave to appeal given HL 9 June 1997
Secretary of State for Social Security, R v, ex p Sutton (Case C-66/95). *See* R v Secretary of State for Social Security, ex p Sutton (Case C-66/95)
Secretary of State for Trade and Industry v Ashcroft [1997] **3** 86, CA
Secretary of State for Transport, OLL Ltd v. *See* OLL Ltd v Secretary of State for Transport
Secretary of State for Wales, Jones v. *See* Jones v Secretary of State for Wales
Sefton Metropolitan BC, R v, ex p Help the Aged. *See* R v Sefton Metropolitan BC, ex p Help the Aged
Seifert v Pensions Ombudsman [1997] **1** 214, QBD
Reversed [1997] **4** 947, CA
Semco Salvage and Marine Pte Ltd v Lancer Navigation Co Ltd [1997] **1** 502, HL
Serious Fraud Office, Taylor v. *See* Taylor v Serious Fraud Office
Seymour-Smith, ex p, R v Secretary of State for Employment. *See* R v Secretary of State for Employment, ex p Seymour-Smith
SGB plc, Bannister v. *See* Bannister v SGB plc
Shanks & McEwan (Teesside) Ltd v The Environment Agency [1997] **2** 332, QBD
Sheerness Steel Co plc, Page v. *See* Wells v Wells
Sheffield City Council, Trustees of the Dennis Rye Pension Fund v. *See* Trustees of the Dennis Rye Pension Fund v Sheffield City Council
Shiloh Spinners Ltd v Harding [1971] **2** 307, CA
Reversed [1973] **1** 90, HL
Considered, Co-op Insurance Society Ltd v Argyll Stores (Holdings) Ltd [1997] **3** 297
Shimizu (UK) Ltd v Westminster City Council [1997] **1** 481, HL
Shingara, ex p, R v Secretary of State for the Home Dept (Joined cases C-65/95 and C-111/95). *See* R v Secretary of State for the Home Dept, ex p Shingara (Joined cases C-65/95 and C-111/95)
Shonchhatra, Popat v. *See* Popat v Shonchhatra
Sidhu v British Airways plc [1997] **1** 193, HL
Singh v Observer Ltd [1989] **2** 751, QBD
Reversed [1989] **3** 777, CA
Distinguished, Abraham v Thompson [1997] **4** 362
Skatteministeriet, Sparekassernes Datacenter (SDC) v (Case C-2/95). *See* Sparekassernes Datacenter (SDC) v Skatteministeriet (Case C-2/95)
Skingley, Hunter v. *See* Hunter v Skingley
Slater & Co v Hoyle & Smith Ltd [1918–19] 654, CA
Not followed, Bence Graphics International Ltd v Fasson UK Ltd [1997] **1** 979
Smith v Cosworth Casting Processes Ltd (Practice Note) [1997] **4** 840, CA
Snares v Adjudication Officer (Case C-20/96) [1997] **EC** 886, ECJ
Société Civile Immobilière Parodi v Banque H Albert de Bary et Cie (Case C-222/95) [1997] **EC** 946, ECJ
Société d'importation Édouard Leclerc-Siplec v TF1 Publicité SA (Case C-412/93) [1995] **EC** 343, ECJ
Applied, Konsumentombudsmannen (KO) v De Agostini (Svenska) Förlag AB (Joined cases C-34/95, C-35/95 and C-36/95) [1997] **EC** 687
Soden v British and Commonwealth Holdings plc (in administration) [1996] **3** 951, CA
Affirmed [1997] **4** 353, HL
Sogemin Metals Ltd, Corporacion Nacional del Cobre de Chile v. *See* Corporacion Nacional del Cobre de Chile v Sogemin Metals Ltd
Soinco SACI v Novokuznetsk Aluminium Plant [1997] **3** 523, QBD
Somasundaram v M Julius Melchior & Co (a firm) [1989] **1** 129, CA
Applied, Acton v Graham Pearce & Co (a firm) [1997] **3** 909
Considered, Acton v Graham Pearce & Co (a firm) [1997] **3** 909
Sood, State Bank of India v. *See* State Bank of India v Sood
Sopex Oils Ltd, Halki Shipping Corp v. *See* Halki Shipping Corp v Sopex Oils Ltd
South Australia Asset Management Corp v York Montague Ltd [1995] **2** 769, QBD & CA
Reversed [1996] **3** 365, HL
Applied, Bristol and West Building Society v Fancy & Jackson (a firm) [1997] **4** 582
South Manchester Health Authority, Kelly v. *See* Kelly v South Manchester Health Authority
Sparekassernes Datacenter (SDC) v Skatteministeriet (Case C-2/95) [1997] **EC** 610, ECJ
Spiliada Maritime Corp v Cansulex Ltd [1986] **3** 843, HL
Considered, Connelly v RTZ Corp plc [1997] **4** 335
Dictum applied, Butler v Butler [1997] **2** 822
Staatssecretaris van Financiën, Harnas & Helm CV v (Case C-80/95). *See* Harnas & Helm CV v Staatssecretaris van Financiën (Case C-80/95)
Staples, Green v. *See* R v City of London Magistrates' Court, ex p Green
State Bank of India v Sood [1997] **1** 169, CA
Leave to appeal refused [1997] **4** xvi, HL
State of Norway's Application, Re (No 1) [1989] **1** 661, CA
Distinguished, R v Secretary of State for the Home Dept, ex p Fininvest SpA [1997] **1** 942
Steedman v Drinkle [1914–15] 298, PC
Applied, Union Eagle Ltd v Golden Achievement Ltd [1997] **2** 215
Steed's Will Trusts, Re [1959] **1** 609, Ch D
Affirmed [1960] **1** 487, CA
Considered, Goulding v James [1997] **2** 239
Stekel v Ellice [1973] **1** 465, Ch D
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Plaintiffs letting holding consisting of land and farmhouses to defendants—Plaintiffs serving notice to quit complying with Agricultural Holdings Act 1986—Whether notice having also to comply with regulations under Protection from Eviction Act 1977—Whether holding constituting 'premises let as a dwelling'—Protection from Eviction Act 1977, s 5. **National Trust for Places of Historic Interest or Natural Beauty v Knipe** [1997] **4** 627, CA.

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Radio Authority ban on political advertising—
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Parties agreeing to refer any 'dispute' arising in connection with charterparty to arbitration—Plaintiff issuing proceedings in High Court claiming damages from defendant for breach of charterparty—Defendant not admitting liability and applying to court to stay proceedings—Whether 'dispute' between parties—Whether court should stay proceedings—Arbitration Act 1996, s 9. **Halki Shipping Corp v Sopex Oils Ltd** [1997] **3** 833, QBD.

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Attorney-General—Religious mission registered as corporate body in India and enjoying charitable status there having temple in London—Mission bringing proceedings against registered charity under similar name claiming its assets—Whether proceedings 'charity proceedings'—Whether mission 'a charity'—Whether Attorney-General a necessary party to proceedings—Charities Act 1993, s 33. **Gaudiya Mission v Brahmachary** [1997] **4** 957, CA.

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Engineering contract deeming contractor's plant while on site to be property of employer—Contract providing that if contractor went into liquidation or abandoned contract, employer could enter on site and either use plant to complete works, or sell plant and apply proceeds towards satisfaction of any sums due from contractor—Whether employer having legal ownership of plant while it remained on site—Whether employer's contractual rights constituting equitable charge—Whether fixed or floating charge—Whether void for want of registration—Companies Act 1985, s 395. **Re Cosslett (Contractors) Ltd** [1997] **4** 115, CA.
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Inquiry into company's dealings—Production of documents—Production of documents by third party—Discretion of court to order production—Production of documents sought by liquidators—Requirements of liquidators to be balanced against possible oppression to third party—Whether court should make order requiring production of documents situated in foreign jurisdiction—Insolvency Act 1986, s 236. **Re Mid East Trading Ltd, Lehman Bros Inc v Phillips** [1997] **3** 481, Ch D.
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Distribution under scheme of arrangement—Priority of claims—Claims by shareholder—Claims for damages against company for misrepresentation inducing purchase of shares—Whether damages sum due to member of company 'in his character of a member'—Test to be applied—Insolvency Act 1986, s 74(2)(f). **Soden v British and Commonwealth Holdings plc (in administration)** [1997] **4** 353, HL.
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Time limit—Application to be made within six-week period—Period commencing on Tuesday and application made on Tuesday six weeks later—Whether application made within limit—Whether six-week period including same day of week within period as day on which period commencing—Acquisition of Land Act 1981, s 23(4). **Okolo v Secretary of State for the Environment** [1997] **4** 242, CA.

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Copyright—Infringement—Breach of Dutch copyright—Infringing acts taking place in The Netherlands—Plaintiff bringing action in England against defendant domiciled in United Kingdom and other foreign defendants—Whether action justiciable in England—Whether Brussels Convention 1968 overriding national rules precluding court from hearing action for breach of foreign statutory intellectual property right—Whether English court having discretion to refuse to hear action—Civil Jurisdiction and Judgments Act 1982, Sch 1, arts 2, 6(1). **Pearce v Ove Arup Partnership Ltd** [1997] **3** 31, Ch D.
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Restitution—Bank entering into interest rate swap contracts with local authority—Agreements subsequently declared void ab initio—Bank bringing restitutionary claims in England against local authority domiciled in Scotland—Scottish authority challenging jurisdiction of English court—Whether English court having special jurisdiction over bank's claim—Whether claim 'relating to a contract' or 'relating to tort'—Civil Jurisdiction and Judgments Act 1982, Sch 4, art 5(1)(3). **Kleinwort Benson Ltd v Glasgow City Council** [1997] **4** 641, HL.
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Exclusive jurisdiction—Charterparty concluded orally between German and French companies—Plaintiff German shipowner sending commercial letter of confirmation and subsequent invoices containing statements conferring exclusive jurisdiction on German courts—French charterer remaining silent and paying invoices without objection—Vessel damaged—Plaintiff suing for damages in German courts—Whether exclusive jurisdiction clause valid—Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters 1968, arts 5(1), 17. **Mainschiffahrts-Genossenschaft e G (MSG) v Les Gravières Rhénanes SARL (Case C-106/95)** [1997] **EC** 385, ECJ.

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Breach of injunction—
Serious Fraud Office seizing applicant's computers pursuant to search warrant in order to download information—Applicant obtaining ex parte injunction ordering return of all downloaded computers—Serious Fraud Office failing to comply with order—Applicant applying for committal of officers for contempt of court—Whether downloading process including the writing to disk of transferred information for the purposes of securing it. **R v City of London Magistrates' Court, ex p Green, Green v Staples** [1997] **3** 551, QBD.
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Effect of procedural defects—Husband giving undertaking not to molest wife pending dissolution of marriage—Husband committed to prison for breach of undertaking—Whether procedural defects constituting ground for setting aside committal order. **Nicholls v Nicholls** [1997] **2** 97, CA.

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Court ordering documents subject to public interest immunity to be disclosed to defendants for purposes of impending criminal appeal only—Order not made against the world at large or against the media—Subsequent appeal judgment citing passages from documents—Newspaper obtaining papers relating to case from source independent of defendants and legal advisers and publishing facsimiles of parts of documents in newspaper and also words not included in judgment—Whether newspaper, editor and journalist knowingly acting in contempt of court's order so as to interfere with due administration of justice. **A-G v Newspaper Publishing plc** [1997] **3** 159, CA.

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Whether privilege against self-incrimination for civil contempt—Whether proceedings for civil contempt proceedings for 'recovery of a penalty'—Civil Evidence Act 1968, s 14(1). **Cobra Golf Ltd v Rata** [1997] **2** 150, Ch D.

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Extensive publicity being given to accused's violent behaviour and previous convictions prior to his arrest—Accused subsequently charged with wounding with intent and respondents publishing articles concerning pending trial—Criminal proceedings subsequently stayed—Whether publications creating substantial risk of serious prejudice to trial—Contempt of Court Act 1981, ss 1, 2. **Attorney General v MGN Ltd** [1997] **1** 456, QBD.

CONTRACT

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Plaintiff seeking discovery of information or documents for purpose of determining whether cause of action lying against unidentified third party—Third party suspected of libel or malicious falsehood—Whether order to be made where plaintiff uncertain whether tort committed—Whether order confined to cases in which torts having criminal aspect are alleged. **P v T Ltd** [1997] **4** 200, Ch D.
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Proceeds of drug trafficking—Assumptions to be made—Assumption that defendant has benefited from drug trafficking—Circumstances in which court can make assumptions—Imprisonment in default—Drug Trafficking Offences Act 1986, s 2(3). **R v Clark** [1997] **4** 803, CA.

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Close friends—Woman executing guarantee and legal charge in favour of bank as security for indebtedness of close male friend in return for regular income payments—Bank requiring woman to obtain independent legal advice—Woman ignoring solicitor's advice not to proceed and executing security—Solicitor informing bank of his advice to woman—Bank bringing action to enforce guarantee—Whether entry into security procured by undue influence—Whether bank fixed with constructive notice of undue influence. **Banco Exterior Internacional SA v Thomas** [1997] **1** 46, CA.

Employer and employee—Employer requesting junior employee to mortgage flat as security for increase in company's bank overdraft—Bank requiring unlimited all moneys guarantee—Employee not told of amount of overdraft—Bank advising employee to take independent legal advice—Employee not doing so—Company going into liquidation—Bank suing for possession of employee's home—Whether guarantee procured by employer's undue influence—Whether relationship of trust and confidence between employer and employee—Whether presumption of undue influence arising—Whether bank rebutting presumption—Whether advice to seek independent legal advice sufficient to exonerate bank. **Credit Lyonnais Bank Nederland NV v Burch** [1997] **1** 144, CA.

Husband and wife—Constructive notice of undue influence—Duty of creditor to take reasonable steps to satisfy himself that wife entered into obligation freely and with knowledge of true facts—Charge over wife's property as security for husband's overdraft facility—Bank appointing solicitor to advise wife in respect of her liabilities under charge—Bank commencing possession proceedings against wife—Wife alleging undue influence of husband and that solicitor had not explained the charge to her alone—Whether solicitor acting as agent of bank—Whether solicitor's agency raising an arguable defence that bank had constructive notice of undue influence. **Royal Bank of Scotland plc v Etridge** [1997] **3** 628, CA.

Husband and wife—Constructive notice of undue influence—Duty of creditor to take reasonable steps to satisfy himself that wife properly advised—Charge over wife's property as security for overdraft facility on joint bank account—Bank appointing solicitor to advise wife in respect of her liabilities under charge—Bank obtaining possession of property—Wife alleging undue influence of husband and that solicitor's advice deficient—Whether bank fixed with constructive notice of deficient advice—Whether bank entitled to rely on solicitor's assurance that wife properly advised. **Barclays Bank plc v Thomson** [1997] **4** 816, CA.

Husband and wife—Husband obtaining funds from plaintiff bank to purchase property jointly with wife and to clear personal debts—Loan secured by way of charge over property—Bank bringing action against husband and wife to enforce charge—Whether charge should be set aside as against wife for undue influence—Whether transaction manifestly disadvantageous to wife—Whether bank fixed with constructive notice of undue influence—Whether wife entitled to have charge set aside unconditionally. **Dunbar Bank plc v Nadeem** [1997] **2** 253, Ch D.

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EUROPEAN COMMUNITY

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Communication on internal market for pension funds containing imperative wording—Whether communication introducing new legal effects for member states—Whether Commission competent to impose such measures—EC Treaty, arts 57, 66. **France v European Commission (Case C-57/95)** [1997] **EC** 411, ECJ.

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Partial annulment by the Court of Justice of decision relating to a proceeding under Community competition provisions—Effect of judgment on persons to whom decision addressed but who did not bring action for annulment—EC Treaty, art 176. **AssiDomän Kraft Products AB v European Commission (Case T-277/95)** [1997] **EC** 769, CFI.

Community institutions—

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Directives—

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Discharge of dangerous substances into aquatic environment—Italian rules authorising discharge of cadmium into surface waters conflicting with Community provisions which they implemented—Community provisions not having direct effect—Whether Community law providing for elimination of conflicting national rules—Council Directive (EEC) 76/464—Council Directive (EEC) 83/513. **Criminal proceedings against Arcaro (Case C-168/95)** [1997] **EC** 82, ECJ.

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Transfer of trade, business or undertaking—Plaintiff's employer going into liquidation—Plaintiff wrongfully dismissed by liquidator after employer's business activities transferred to another company—No provision in transfer agreement for transfer of plaintiff's employment contract—Plaintiff suing both companies for damages—Whether employment contract transferred to transferee by mere fact of transfer—Whether date of transfer of employment contract necessarily date of transfer of undertaking—Council Directive (EEC) 77/187, art 3. **Rotsart de Hertaing v J Benoidt SA (in liq) (Case C-305/94)** [1997] **EC** 40, ECJ.

Transfer of trade, business or undertaking—Several municipalities transferring administrative functions to central body created for that purpose—One municipality dismissing employee after transfer—Employee contesting competence of municipality to dismiss her after transfer—Whether transfer of administrative functions constituting 'transfer of an undertaking' for the purposes of Community law—Council Directive (EEC) 77/197, art1(1). **Henke v Gemeinde Schierke (Case C-298/94)** [1997] **EC** 173, ECJ.

Equality of treatment of men and women. *See* Equality of treatment of men and women, *post.*

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Dutch works projects involving waterways having to be of certain size before being subject to environmental impact assessment under Community provisions—Local authority approving small-scale dyke reinforcement project without undertaking impact assessment—Project affecting plaintiff's business—Plaintiff applying for judicial review of approval—Extent of discretion conferred on member states to specify projects requiring assessment—Whether Community provision requiring impact assessment having direct effect—If so, whether national court required to apply provision even if it was not invoked in the matter before the court—Council Directive (EEC) 85/337, arts 2(1), 4(2). **Aannemersbedrijf P K Kraaijeveld BV v Gedeputeerde Staten van Zuid-Holland (Case C-72/95)** [1997] **EC** 134, ECJ.

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Whether concept of 'waste' excluding substances or objects capable of economic re-use—Council Directive (EEC) 75/442—Council Directive (EEC) 91/156, art 1(a)—Council Directive (EEC) 91/689, art 1(3)—Council Regulation (EEC) 259/93, art 2(a). **Criminal proceedings against Tombesi (Joined cases C-304/94, C-330/94, C-342/94 and C-224/95)** [1997] **EC** 639, ECJ.

Equality of treatment of men and women—

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Damages—Employer advertising for female sales management staff—Male plaintiff's application not considered—Applicant claiming damages for sex discrimination—National measures making payment of damages subject to fault and imposing ceilings on amount of damages payable—Whether such measures compatible with Community law—Council Directive (EEC) 76/207, arts 2(1), 3(1). **Draehmpaehl v Urania Immobilienservice ohG (Case C-180/95)** [1997] **EC** 719, ECJ.

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Promotion—Two equally qualified candidates of different sexes competing for promotion—Regional rule giving priority to female candidates where women underrepresented in relevant career bracket—Priority given to female candidate—Male candidate bringing action—Whether regional rule compatible with principle of equal treatment—Council Directive (EEC) 76/207, art 2. **Marschall v Land Nordrhein-Westfalen (Case C-409/95)** [1997] **EC** 865, ECJ.

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Dismissal—Female employees dismissed after less than two years' employment—Secretary of State imposing threshold of two years' continuous employment before unfair dismissal claim could be made—Employees claiming that fewer women able to comply with threshold than men—Whether two-year threshold contrary to Community law—Whether compensation for unfair dismissal constituting 'pay'—European Communities Act 1972, s 2(4)—Unfair Dismissal (Variation of Qualifying Period) Order 1985—EC Treaty, art 119—Council Directive (EEC) 76/207, art 5. **R v Secretary of State for Employment, ex p Seymour-Smith** [1997] **2** 273, HL.

Social security—

Sickness insurance—Plaintiff providing nursing care to paraplegic husband—Plaintiff not engaged in occupational activity when husband became paraplegic—German rule making financial assistance for home nursing care conditional on there being no family member in patient's household capable of providing sufficient care—Definition of 'working population'—Council Directive (EEC) 79/7, art 2. **Züchner v Handelskrankenkasse (Ersatzkasse) Bremen (Case C-77/95)** [1997] **EC** 359, ECJ.

Survivors' pension—Claimant applying for benefits under deceased wife's pension scheme—Initial claim not complying with national procedural rules—Court allowing claimant time in which to submit claim properly—Claim refused on basis of special conditions for widowers set out in national rules—Whether national provisions discriminatory—Whether initial irregularity in national proceedings excluding it from scope of exception for actions brought before temporal limit on such proceedings—EC Treaty, art 119, Protocol (No 2). **Dimosia Epicheirisi Ilektrismou (DEI) v Evrenopoulos (Case C-147/95)** [1997] **EC** 543, ECJ.

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Exports—Quantitative restrictions and equivalent measures—Export of livestock—Chief constable restricting police operation mounted to safeguard livestock exports from port—Police indicating that convoys would be turned away from port wherever breach of peace foreseeable—Whether police measures unlawful restriction on exports to member states—EC Treaty, arts 34, 36. **R v Chief Constable of Sussex, ex p International Trader's Ferry Ltd** [1997] **2** 65, CA.

Mechanically recovered meat—Health and hygiene conditions—German plaintiff company importing frozen mechanically recovered meat into Germany—Meat not having been heat treated in state of origin—German national provisions prohibiting the import of such meat—Veterinary authorities seizing meat—Whether prohibition compatible with Community law—Council Directive (EEC) 64/433, art 6(1)—EC Treaty, arts 30, 36. **Paul Daut GmbH & Co KG v Oberkreisdirektor des Kreises Gütersloh (Case C-105/95)** [1997] **EC** 562, ECJ.

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Broadcasting—Television advertising broadcast from one member state to another—National prohibition in receiving member state of misleading advertising and advertising directed at children—Powers of member states to regulate such matters—Council Directive (EEC) 89/552—EC Treaty, arts 30, 59. **Konsumentombudsmannen (KO) v De Agostini (Svenska) Förlag AB, Konsumentombudsmannen (KO) v TV-Shop i Sverige AB (Joined cases C-34/95, C-35/95 and C-36/95)** [1997] **EC** 687, ECJ.

Services—

Banking—French real estate company seeking declaration that mortgage loan from Dutch bank void—Bank not authorised credit institution under French law—Whether bank able to grant mortgage loan—Whether Community law precluding member state from requiring a credit institution already authorised in another member state to obtain fresh authorisation—Council Directive (EEC) 73/183—EC Treaty, art 59. **Société Civile Immobilière Parodi v Banque H Albert de Bary et Cie (Case C-222/95)** [1997] **EC** 946, ECJ.

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Social security—English plaintiff receiving disability living allowance—Allowance granted subject to permanent residence of recipient in United Kingdom and therefore withdrawn on plaintiff's emigration to Spain—Whether allowance invalidity benefit or special non-contributory benefit for purposes of relevant Community provisions—Whether Community provision allowing special non-contributory benefits to be subject to residence condition compatible with Community law—Council Regulation (EEC) 1408/71, arts 4, 10, 10a—Council Regulation (EEC) 1247/92—EC Treaty, arts 51, 235. **Snares v Adjudication Officer (Case C-20/96)** [1997] **EC** 886, ECJ.

International treaties—

European Economic Area—

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Civil and commercial matters—

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Practice—

Reference for a preliminary ruling—

EC Treaty, art 177. **Practice Direction** [1997] **EC** 1, ECJ.

Procedure—

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Admissibility—Applicant lodging complaint alleging anti-competitive behaviour with European Commission—Commission stating intention to close matter without formal procedure unless applicants wishing to maintain complaint—Applicants given four weeks to respond—Applicants responding outside time limit—Commission closing procedure—Whether applicants had forfeited status as complainants—Whether correspondence between Commission and applicants containing challengeable decision. **Vereniging van Groothandel in Bloemwekerijprodukten v European Commission (VBA BA, intervening) (Case T-77/94)** [1997] **EC** 828, CFI.

Admissibility—Commission decisions refusing certain member states authorisation to prohibit imports of pharmaceutical products—Applicant pharmaceutical manufacturers applying for annulment of Commission's decisions—Whether applicants directly and individually concerned—Act of Accession of Spain and Portugal 1985, arts 47, 379. **Merck & Co Inc v European Commission (Case T-60/96)** [1997] **EC** 785, CFI.

Admissibility—European Commission introducing penalties to be imposed on olive-oil packagers claiming Community aid for oil which did not qualify—Penalty system based on strict liability—Trade association applying for annulment of provision introducing penalty system—Whether trade association directly and individually concerned—Commission Regulation (EC) 887/96—EC Treaty, arts 173, 189. **Federazione Nazionale del Commercio Oleano (Federolio) v European Commission (Case T-122/96)** [1997] **EC** 929, CFI.

Time limit—Applicant bringing new bunkering vessel into service—Commission rejecting applicant's request for exemption from obligation to contribute to Community scrapping fund in relation to new vessel—Validity of Commission's decision contested before national court—Challenge outside time limit for direct action before European Court for annulment of Community measure—Whether applicant able to challenge Community measure—EC Treaty, art 173. **Wiljo NV v Belgium (Case C-178/95)** [1997] **EC** 226, ECJ.

Time limit—Applicants lodging complaint with Commission alleging infringement by third party of Community competition rules—Commission's decision rejecting applicants' complaint sent to post office box—Whether time beginning to run from date of arrival at post office or from date of collection—EC Treaty, art 173. **Florimex BV v European Commission (VBA BA, intervening) (Joined cases T-70/92 and T-71/92)** [1997] **EC** 798, CFI.

Right to intervene—

Coalmine owner applying to have implied decision of Commission refusing to reject complaint against it annulled—Electricity generating companies applying to intervene on ground that complaint raising issues of law directly relevant to them—Application dismissed on grounds that applicants having insufficient interest—Determination of 'interest in the result of the case'—ECSC Statute of the Court of Justice, art 34—EC Statute of the Court of Justice, art 37—EAEC Statute of the Court of Justice, art 38. **Re National Power plc (Joined cases C-151/97 P(I) and C-157/97 P(I)), British Coal Corp v European Commission (Case T-367/94)** [1997] **EC** 673, ECJ.

Rules on competition—

Abuse of dominant position—

Undertaking manufacturing aseptic and non-aseptic cartons and carton-filling machines for liquid and semi-liquid food products—Undertaking dominant on market for aseptic products—Undertaking tying sales of non-aseptic cartons to machines and setting abnormally low prices for those products—Whether conduct on and affecting market other than dominated market covered by Community provisions—Interpretation of Community provisions prohibiting tied sales—Approach to predatory pricing—EC Treaty, art 86. **Tetra Pak International SA v European Commission (Case C-333/94 P)** [1997] **EC** 4, ECJ.

Agreements preventing, restricting or distorting competition—

Group of companies—Single economic unit—Subsidiaries having no real autonomy—Agreements between parent company and subsidiaries as to division of national markets—Whether group distribution system within scope of competition rules—EC Treaty, arts 85(1), 86. **Viho Europe BV v European Commission (Parker Pen Ltd intervening) (Case C-73/95 P)** [1997] **EC** 163, ECJ.

Rules on state aid—

German regional government granting aid to plaintiff company—

Aid not notified by German government to European Commission—Commission finding aid unlawful and ordering recovery—German regional government demanding repayment 3 years later—Decision irrevocable under German administrative law—Whether plaintiff able to rely on national administrative provisions protecting legitimate expectations and legal certainty—Interpretation of Community law with regard to national rules—EC Treaty, art 93. **Land Rheinland-Pfalz v Alcan Deutschland GmbH (Case C-24/95)** [1997] **EC** 427, ECJ.

Social security—

Equality of treatment of men and women. *See* Equality of treatment of men and women—Social security, *ante.*

State liability. *See* State liability—Infringement of Community law attributable to state—Social security, *post.*

EUROPEAN COMMUNITY (cont)

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Social security—Spanish plaintiffs having worked and acquired pension rights in member states other than Spain—Plaintiffs returning to Spain—Spanish authorities initially awarding plaintiffs six months' unemployment benefit and paying six months' contributions to sickness insurance and family benefit schemes—Authorities refusing to pay plaintiffs' longer term unemployment benefits on grounds of insufficient contributions—Compatibility of Spanish rules with Community provisions—Council Regulation (EEC) 1408/71, arts 48, 67—EC Treaty, arts 48, 51. **Martínez Losada v Instituto Nacional de Empleo (INEM) (Joined cases C-88/95, C-102/95 and C-103/95)** [1997] **EC** 240, ECJ.

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Defendant erecting tall building which caused interference with plaintiffs' television reception—Whether interference with television reception capable of constituting actionable nuisance. **Hunter v Canary Wharf Ltd, Hunter v London Docklands Development Corp** [1997] **2** 426, HL.

OBSCENE PUBLICATIONS
Generally. *See* **Criminal law** (Obscene publications).

OCCUPATIONAL PENSION SCHEME
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Duty on. *See* **Customs and excise** (Hydrocarbon oils).

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Pensions—
Maladministration—
Jurisdiction. *See* **Pension** (Pension scheme—Maladministration of pension scheme—Jurisdiction of Pensions Ombudsman).

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Determination. *See* **Landlord and tenant** (Lease—Option to determine).

OVERRIDING INTEREST
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PARTIES
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Charity proceedings—
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Defamation action. *See* **Libel and slander** (Parties).
Substitution. *See* **Practice** (Parties—Substitution).

PARTNERSHIP
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Effect—
Agreement signed by partners prematurely dissolving partnership without consent of one partner—Partner treating agreement as repudiatory breach of partnership deed and accepting repudiation—Whether partner discharged from obligations under partnership deed—Whether partner obliged to contribute towards partnership liabilities. **Hurst v Bryk** [1997] **2** 283, CA.

PARTNERSHIP (cont)
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Profits—
Profits earned by partnership business after dissolution—Partnership determinable at will—Plaintiff terminating partnership but leaving capital in business—Remaining partner carrying on business and then selling at profit—Whether plaintiff entitled to equal share of capital profit made on sale of business—Partnership Act 1890, ss 24(1), 42(1). **Popat v Shonchhatra** [1997] **3** 800, CA.
Solicitor—
Liability for acts of his partners—
Negligence. *See* **Solicitor** (Negligence—Partnership).
Writ—
Service on partnership. *See* **Writ** (Service on partnership).

PASSENGER
Aircraft—
Carriage. *See* **Carriage by air** (Carriage of passengers).

PATENT
Jurisdiction—
Conflict of laws. *See* **Conflict of laws** (Jurisdiction—Challenge to jurisdiction—Patent).
Patents Court—
Procedure—
Draft orders—Experiments for litigation purposes—Assessment of costs—Notices to admit facts—Applications for interlocutory injunctions—RSC Ord 104, rr 10, 11(1)(a), 12. **Practice Note** [1997] **1** 383, Ch D.

PATERNITY
Declaration of paternity—
Appeal against declaration—
Family proceedings court making declaration that appellant was father of child—Subsequent medical evidence confirming that appellant could not be father of child—Whether appellant able to appeal to High Court against declaration—Child Support Act 1991, s 27. **T v Child Support Agency** [1997] **4** 27, Fam D.

PATIENT
Mental. *See* **Mental health**.

PAY
Equal pay—
Men and women—
Equality of treatment—European Community. *See* **European Community** (Equality of treatment of men and women).

PAYMENT INTO COURT
Costs—
Order for costs—
Discretion. *See* **Costs** (Order for costs—Discretion—Payment into court).
Generally. *See* **Practice** (Payment into court).

PENSION
Equality of treatment of men and women—
European Community. *See* **European Community** (Equality of treatment of men and women).
Pension scheme—
Company pension scheme—
Members terminating pensionable service and applying to exercise their right to a transfer value of cash equivalent of accrued pension benefits—Company going into receivership and thereafter pension scheme commencing winding up—Statutory time period for payment of transfer value expiring—Occupational Pensions Board granting scheme trustee's application for extension—Whether extension of statutory period validly granted—Whether right to cash equivalent lost on termination of scheme—Whether members' right to cash equivalent an overriding right which remained unaffected by winding up—Social Security Pensions Act 1975, Sch 1A, paras 15(3)(c), 16(3)(a)(5), 18(2). **Law Debenture Trust Corp plc v Pensions Ombudsman** [1997] **3** 233, Ch D.
Maladministration of pension scheme—
Jurisdiction of Pensions Ombudsman—Exercise of jurisdiction of Pensions Ombudsman—Maladministration by Pensions Ombudsman—Necessity for statutory procedure to be followed—Necessity for the rules of natural justice to be applied—Pension Schemes Act 1993, ss 149(1), 151. **Seifert v Pensions Ombudsman, Lynch and v Pensions Ombudsman** [1997] **1** 214, QBD.
Jurisdiction of Pensions Ombudsman—Local authority operating severance scheme in addition to pension scheme—Local authority reducing monthly payments to former employee under severance scheme following legal advice—Employee not in pensionable service under severance scheme—Pensions Ombudsman finding maladministration and directing local authority to reinstate payments and pay compensation for distress and inconvenience—Whether ombudsman having jurisdiction to investigate complaint—Whether ombudsman's directions should be set aside—Pension Schemes Act 1993, ss 146(1), 151(2). **Westminster City Council v Haywood** [1997] **2** 84, CA.
Jurisdiction of Pensions Ombudsman—Trust deed authorising transfer of assets and liabilities to another approved scheme but prohibiting transfer of assets to employer and amendment of scheme for that purpose—Trustees transferring assets and liabilities of scheme to another pension scheme—Trustees of other scheme amending scheme to enable payment of surplus funds to employer—Whether exercise of power to transfer used for collateral purpose—Jurisdiction of ombudsman with regard to remedies—Liability of employer to make repayment—Pension Schemes Act 1993, s 151(2). **Hillsdown Holdings plc v Pensions Ombudsman** [1997] **1** 862, QBD.

PENSION (cont)
Pension scheme (cont)—
Maladministration of pension scheme (cont)—
Jurisdiction of Pensions Ombudsman—Winding up of pension scheme—Retirement of member agreed prior to winding up but payment of pension not commenced—Member informed funding sufficient to pay 63% of his entitlement but later told funds sufficient to pay 83%—Member making complaint to Pensions Ombudsman—Whether member claiming 100% of pension entitlement—Whether complaint having any substance. **Seifert v Pensions Ombudsman** [1997] 4 947, CA.

PERSONAL INJURIES
Damages—
Generally. *See* **Damages** (Personal injury).
Limitation of action—
Court's power to override time limit. *See* **Limitation of action** (Court's power to override time limit in personal injury or fatal accident claim).

PETITION
Insolvency—
Generally. *See* **Insolvency** (Petition).

PHOTOGRAPH
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Obscene publications. *See* **Criminal law** (Obscene publications—Indecent photographs of children).

PLEADING
Striking out—
Statement of claim. *See* **Statement of claim** (Striking out).

POLICE
Allocation of police resources—
Discretion—
Police operation mounted in response to animal rights protests against export of livestock at considerable cost—Operation unlikely to meet Home Office criteria for special financial assistance applications—Chief constable deciding not to apply for special financial assistance but to reduce levels of policing and restrict operation to specific days—Whether decisions in breach of chief constable's duties to enforce law and keep peace—Whether decisions constituting unreasonable exercise of discretion. **R v Chief Constable of Sussex, ex p International Trader's Ferry Ltd** [1997] 2 65, CA.
Confession to police—
Admissibility in criminal proceedings. *See* **Criminal evidence** (Admissions and confessions—Answers and statements to police).
Disclosure of information—
Extent of powers—
Police formulating policy of disclosing information about paedophiles resident in area to persons potentially at risk—Police acquiring information on two convicted paedophiles staying at caravan site in area—Police concluding that public interest required them to disclose identity of paedophiles to site-owner—Whether police policy of disclosing information lawful—Whether decision to inform site owner lawful. **R v Chief Constable of the North Wales Police, ex p AB** [1997] 4 691, QBD.
Previous convictions at trial. *See* **Criminal law** (Trial—Previous convictions—Police).
Unlawful conduct—
Action for damages—
Compensatory damages—Exemplary damages—Directions to be given to jury as to appropriate level of damages recoverable. **Thompson v Comr of Police of the Metropolis; Hsu v Comr of Police of the Metropolis** [1997] 2 762, CA.

POLITICAL ADVERTISEMENT
Commercial radio—
Ban on political advertising—
Judicial review of Radio Authority's decision. *See* **Judicial review** (Radio Authority—Ban on political advertising).

POLITICAL PARTY
Libel and slander—
Right of political party to sue. *See* **Libel and slander** (Parties—Right to sue—Political party).

POSSESSION
Mortgaged property—
Action by mortgagee for possession. *See* **Mortgage** (Action by mortgagee for possession).
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POST
Service by post—
Generally. *See* **Practice** (Service—Service by post).

PRACTICE
Abuse of process—
Dismissal of action. *See* **Action** (Dismissal—Abuse of process of court).
Adding defendant—
Generally. *See* Parties—Adding defendant, *post*.
Ancillary relief—
Family proceedings. *See* Family proceedings—Ancillary relief, *post*.
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Discovery. *See* **Discovery** (Anton Piller order).
Generally. *See* Pre-trial or post-judgment relief—Anton Piller order, *post*.

PRACTICE (cont)
Appeal—
Leave to appeal—
Court of Appeal. *See* **Court of Appeal** (Leave to appeal).
Automatic directions—
County court practice. *See* **County court** (Practice—Pre-trial review—Automatic directions).
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Generally. *See* **Commercial Court** (Practice).
Consent order—
Interest on costs—
Date from which interest payable. *See* **Costs** (Interest on costs—Date from which interest payable—Consent order).
Contempt of court—
Committal. *See* **Contempt of court** (Committal).
Contribution—
Generally. *See* **Contribution**.
Costs—
Generally. *See* **Costs**.
Legal aid. *See* **Legal aid**.
Solicitor—
Payment of costs by solicitor personally. *See* **Solicitor** (Payment of costs by solicitor personally).
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Court of Appeal—
Civil Division—
Generally. *See* **Court of Appeal** (Practice).
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Set-off. *See* **Set-off** (Cross-claim).
Crown Office list—
Judicial review—
Application for leave to apply for judicial review—Documents to be lodged—Relevant legislative provisions and statutory instruments. **Practice Note** [1997] **1** 128, QBD.
Uncontested proceedings. *See* Uncontested proceedings—Crown Office list, *post*.
Default of defence—
Judgment. *See* **Judgment** (Default of defence).
Discovery. *See* **Discovery**.
Dismissal of action for want of prosecution—
Inordinate delay without excuse—
Abuse of process—No intention of proceeding with action—Whether commencement and continuation of proceedings with no intention of bringing them to conclusion sufficient to amount to abuse of process—Whether court entitled to dismiss action—Whether necessary to establish want of prosecution. **Grovit v Doctor** [1997] **2** 417, HL.
Delay caused by both plaintiff and defendant—Whether appropriate to allocate prejudice to different periods of delay. **Hunter v Skingley** [1997] **3** 568, CA.
Divorce—
Generally. *See* **Divorce** (Practice).
Document—
Court of Appeal—
Generally. *See* **Court of Appeal** (Practice).
European Community—
Generally. *See* **European Community** (Practice).
Execution. *See* **Execution**.
Family proceedings—
Ancillary relief—
Conciliation—Financial dispute resolution appointment—Admissibility in evidence of things said during appointment—Court's expectations of parties and legal representatives. **Practice Direction** [1997] **3** 768, Fam D.
Family proceedings court. *See* **Family proceedings**.
Foreign cause of action—
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Generally. *See* **Injunction**.
Interlocutory injunction—
Standard forms of order—Provision of draft on disk. **Practice Direction** [1997] **1** 287, High Ct.
Mareva injunction. *See* Pre-trial or post-judgment relief—Mareva injunction, *post*.
Interest—
Interest on costs. *See* **Costs** (Interest on costs).
Interlocutory proceedings—
Commercial Court. *See* **Commercial Court** (Practice—Interlocutory proceedings).
Judgment—
Generally. *See* **Judgment**.
Judicial review—
Crown Office list. *See* Crown Office list—Judicial review, *ante*.
Leave to appeal—
Court of Appeal. *See* **Court of Appeal** (Leave to appeal).
Leave to begin proceedings—
Insolvency legislation. *See* **Insolvency** (Jurisdiction—Leave to commence proceedings).
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Mercantile list. *See* Queen's Bench Division—Leeds and Newcastle upon Tyne, *post*.
Legal aid. *See* **Legal aid**.
Limitation of action. *See* **Limitation of action**.
Liverpool—
Mercantile list. *See* Queen's Bench Division—Liverpool and Manchester—Mercantile lists, *post*.

Manchester—
Mercantile list. *See* Queen's Bench Division—Liverpool and Manchester—Mercantile lists, *post.*
Mareva injunction—
Generally. *See* Pre-trial or post-judgment relief—Mareva injunction, *post.*
Newcastle upon Tyne—
Mercantile list. *See* Queen's Bench Division—Leeds and Newcastle upon Tyne—Mercantile lists, *post.*
Parties—
Adding plaintiff—
Application by party added to be removed from proceedings—Second defendant joined as party to proceedings outside three-year limitation period—Second defendant applying to be removed from proceedings but not raising limitation as defence—Master dismissing application—Notice of appeal served ten months after decision of master—Judge refusing to grant extension of time for appealing on grounds of inexcusable delay only—Whether judge right to do so—RSC Ord 3, r 5, Ord 15, r 6, Ord 58, r 1. **Marshall v Gradon Construction Services Ltd** [1997] **4** 880, CA.
Charity—
Charity proceedings. *See* **Charity** (Proceedings—Parties).
Libel and slander. *See* **Libel and slander** (Parties).
Substitution—
Substitution of plaintiff—Action begun by plaintiff company—Application to substitute firm as plaintiff—Whether judge entitled to take merits into account in determining application. **Kings Quality Homes Ltd v AJ Paints Ltd** [1997] **3** 267, CA.
Partnership—
Service of writ on partnership. *See* **Writ** (Service on partnership).
Patent actions. *See* **Patent**.
Payment into court—
Costs—
Order for costs—Discretion. *See* **Costs** (Order for costs—Discretion—Payment into court).
Money remaining in court—
Application for payment out—Copyright action—Inquiry as to damages or account of profits—Plaintiff electing to take account of profits—Whether court should order payment out—RSC Ord 22, r 5. **Braben v Emap Images Ltd** [1997] **2** 544, Ch D.
Petition—
Insolvency. *See* **Insolvency** (Petition).
Post—
Service by post—
Generally. *See* Service—Service by post, *post.*
Pre-trial or post-judgment relief—
Anton Piller order—
Discovery. *See* **Discovery** (Anton Piller order).
Privilege against self-incrimination—Collateral use of information obtained under order—Undertaking not to use documents disclosed for collateral or ulterior purpose—Dominant purpose in seeking Anton Piller order being to use its fruits in committal proceedings—Whether Anton Piller order should be granted which included provisions likely to require the defendant to incriminate himself—Whether Anton Piller order should be set aside. **Cobra Golf Ltd v Rata** [1997] **2** 150, Ch D.
Privilege against self-incrimination—Infringement of trade mark. *See* **Trade mark** (Infringement—Anton Piller order—Self-incrimination).
Injunction—
Post-judgment—Generally. *See* **Injunction** (Post-judgment).
Mareva injunction—
Injunction restraining removal of assets out of jurisdiction—Variation of injunction—Defendant wishing to exclude Zambian bank notes ordered by it for issue in Zambia from scope of injunction—Defendant willing to pay considerable price to recover bank notes—Whether removal of bank notes from jurisdiction constituting dissipation of an asset available to satisfy judgment debt—Whether bank notes having value in open market to plaintiff—Whether maintaining injunction amounting to holding defendant to ransom—Whether application to vary empty application—Whether injunction should be varied in exercise of court's general equitable discretion. **Camdex International Ltd v Bank of Zambia (No 2)** [1997] **1** 728, CA.
Standard forms of order—Revision of forms. **Practice Direction** [1997] **1** 288, High Ct.
Worldwide Mareva injunction—Defendant commencing proceedings in Germany in relation to acknowledgment of debt to plaintiff company—High Court granting plaintiff 's ex parte application for worldwide Mareva injunction—Judge varying injunction at inter partes hearing by confining its effect to England on grounds that he was being asked to grant relief in support of another jurisdiction and circumstances were not exceptional—Whether judge right to do so—Civil Jurisdiction and Judgments Act 1982, s 25, Sch 1, art 50. **S & T Bautrading v Nordling** [1997] **3** 718, CA.
Worldwide Mareva injunction—Plaintiff commencing proceedings in Switzerland against defendant who was domiciled and resident in England—High Court granting plaintiff worldwide Mareva injunction against defendant in aid of Swiss proceedings—Whether court right to do so—Whether exceptional circumstances required—Civil Jurisdiction and Judgments Act 1982, s 25. **Crédit Suisse Fides Trust SA v Cuoghi** [1997] **3** 724, CA.
Privilege—
Generally. *See* **Privilege**.
Production of documents—
Generally. *See* **Discovery**.
Queen's Bench Division—
Commercial Court. *See* **Commercial Court** (Practice).
Leeds and Newcastle upon Tyne—
Mercantile lists—Procedure. **Practice Direction** [1997] **2** 223, QBD.
Liverpool and Manchester—
Mercantile lists—Telephone summonses—When appropriate—Procedure. **Practice Direction** [1997] **1** 381, QBD.
Residence order—
Family proceedings—
Generally. *See* **Family proceedings** (Orders in family proceedings—Residence order).

PRACTICE (cont)

Review of taxation of costs—

Generally. *See* **Costs** (Taxation—Review of taxation).

Security for costs—

Generally. *See* **Costs** (Security for costs).

Service—

Document required to be served on defendant—

Service of mandatory order—Order not properly served as penal notice not attached—Whether court having power to dispense with service of copy of order retrospectively—RSC Ord 45, r 7. **Davy International Ltd v Tazzyman, Davy International Ltd v Durnig** [1997] **3** 183, CA.

Partnership—

Service of writ on partnership. *See* **Writ** (Service on partnership).

Service by post—

Writs purportedly served on three defendants by being put in single envelope addressed to first defendant and sent to embassy—Whether envelope properly addressed to each defendant—Whether service in single envelope addressed to each defendant permitted—RSC Ord 10, r 1(2). **Crescent Oil and Shipping Services Ltd v Importang UEE** [1997] **3** 428, QBD.

Service out of the jurisdiction. *See* Service out of the jurisdiction, *post.*

Service out of the jurisdiction—

Writ—

Application for leave to serve writ out of jurisdiction—Application granted and later in day plaintiffs serving writ on first defendant inside jurisdiction—Thereafter plaintiffs serving writ on third defendant out of jurisdiction—Third defendant applying to set aside writ on ground that on date of application there was no other defendant who had been duly served—Whether service of writ valid—Whether judge could exercise his discretion retrospectively to validate service of writ—RSC Ord 11, r 1(1)(c). **Kuwait Oil Tanker Co SAK v Al Bader** [1997] **2** 855, CA.

Set-off—

Generally. *See* **Set-off.**

Solicitor—

Payment of costs by solicitor personally. *See* **Solicitor** (Payment of costs by solicitor personally).

Statement of claim. *See* **Statement of claim.**

Stay of proceedings—

Arbitration—

Generally. *See* **Arbitration** (Stay of court proceedings).

Divorce. *See* **Divorce** (Practice—Stay of proceedings).

Foreign cause of action—

Appropriate forum—Forum in which case can be tried more suitably for parties' interests and ends of justice—Forum with which action has most real and substantial connection—Plaintiff's cause of action arising in Namibia—Plaintiff relying on legal aid to fund proceedings but ineligible for legal aid in Namibia—Plaintiff commencing proceedings in England—Whether availability of legal aid in competing jurisdictions relevant in determining whether English proceedings should be stayed—Legal Aid Act 1988, s 31(1). **Connelly v RTZ Corp plc, Connelly v RTZ Corp plc** [1997] **4** 335, HL.

Jurisdiction—

Clause in agreement providing for dispute resolution by way of expert determination—Court proceedings commenced claiming damages—Application for stay of court proceedings—Whether court having power to stay proceedings in absence of arbitration clause. **Cott UK Ltd v F E Barber Ltd** [1997] **3** 540, QBD.

Striking out—

Contempt of court proceedings—

Committal application. *See* **Contempt of court** (Committal—Application—Striking out).

County court practice. *See* **County court** (Practice—Striking out).

Statement of claim. *See* **Statement of claim** (Striking out).

Substitution of parties. *See* Parties—Substitution, *ante.*

Summons—

Telephone summons—

Liverpool and Manchester Mercantile Lists. *See* Queen's Bench Division—Liverpool and Manchester—Mercantile lists—Telephone summonses, *ante.*

Taxation of costs—

Generally. *See* **Costs** (Taxation).

Telephone summons—

Liverpool and Manchester Mercantile Lists. *See* Queen's Bench Division—Liverpool and Manchester—Mercantile lists—Telephone summonses, *ante.*

Third party proceedings—

Contribution. *See* **Contribution** (Third party proceedings).

Transfer of action—

High Court to county court. *See* **County court** (Transfer of action—Transfer from High Court).

Uncontested proceedings—

Crown Office list—

Civil proceedings and criminal causes or matters—Disposal—Disposal without attendance—Interlocutory orders—Withdrawal of proceedings. **Practice Note** [1997] **2** 799, QBD.

Vexatious proceedings. *See* **Vexatious proceedings.**

Want of prosecution—

Dismissal of action for. *See* Dismissal of action for want of prosecution, *ante.*

Writ—

Generally. *See* **Writ.**

Service—

Service out of jurisdiction. *See* Service out of the jurisdiction, *ante.*

PRESUMPTION

Undue influence. *See* **Equity** (Undue influence—Presumption of undue influence).

PREVENTION OF TERRORISM
Rights of detained person—
Access to solicitor—
Person arrested under prevention of terrorism provisions. *See* **Solicitor** (Access to—Right of person in custody—Presence of solicitor during interview—Suspect arrested under prevention of terrorism provisions).

PREVIOUS CONVICTIONS
Criminal trial. *See* **Criminal law** (Trial—Previous convictions).

PRISON
Release on licence—
Conviction of further offence—
Duty of magistrates' court—Applicant convicted of summary offence while on release from custody on licence—Whether justices entitled to impose a sentence in respect of offence and commit applicant to Crown Court to determine whether he should be returned to prison—Criminal Justice Act 1991, s 40(3)(b). **R v Harrow Justices, ex p Jordan** [1997] **2** 344, QBD.
Home leave—
Secretary of State deciding to implement new scheme governing eligibility of prisoners to apply for home leave—Prisoners entitled to apply for home leave after serving one-third of sentence under old scheme but only after having served half their sentence under new scheme—New scheme deferring applicants' earliest date for eligibility by substantial period—Whether inmate compact signed by applicants at beginning of sentence giving rise to legitimate expectation overriding new scheme—Whether decision to apply new policy lawful—Test to be applied. **R v Secretary of State for the Home Dept, ex p Hargreaves** [1997] **1** 397, CA.
Life sentence—
Mandatory life sentence—Tariff period—Procedure for fixing tariff period—Secretary of State setting higher tariff period than that recommended by judiciary on basis of aggravating features of crime—Subsequent Secretary of State accepting that aggravating features absent but maintaining higher tariff period—Whether Secretary of State entitled to increase tariff retrospectively in absence of exceptional circumstances—Criminal Justice Act 1991, s 35. **Pierson v Secretary of State for the Home Dept** [1997] **3** 577, HL.
Mandatory sentence—
Detention during Her Majesty's pleasure—Children aged ten convicted of murder—Tariff period—Home Secretary setting tariff period of 15 years—Whether policy in setting tariff lawful—Whether decision procedurally fair—Children and Young Persons Act 1933, ss 44(1), 53(1)—Criminal Justice Act 1991, s 35. **R v Secretary of State for the Home Dept, ex p Venables, R v Secretary of State for the Home Dept, ex p Thompson** [1997] **3** 97, HL.

PRIVATE INTERNATIONAL LAW
See **Conflict of laws**.

PRIVATE NUISANCE
See **Nuisance**.

PRIVILEGE
Absolute privilege—
Defamation cases. *See* **Libel and slander** (Privilege—Absolute privilege).
Diplomatic. *See* **Constitutional law** (Diplomatic privilege).
Public interest immunity—
Production contrary to public interest—
Use of privileged information in civil proceedings—Plaintiff commencing proceedings against police for payment for information leading to arrest and conviction of persons involved in serious crime—Police contending that plaintiff precluded from asserting in open court that he acted as informer on grounds of public interest immunity—Whether police informer precluded from bringing proceedings to recover moneys promised in exchange for information. **Savage v Chief Constable of the Hampshire Constabulary** [1997] **2** 631, CA.
Qualified privilege—
Libel and slander. *See* **Libel and slander** (Qualified privilege).
Self-incrimination, against—
Anton Piller order. *See* **Practice** (Pre-trial or post-judgment relief—Anton Piller order—Privilege against self-incrimination).
Defence in proceedings for contempt of court. *See* **Contempt of court** (Defence—Self-incrimination).

PRODUCT LIABILITY
European Community. *See* **European Community** (Consumer protection—Product liability).

PRODUCTION OF DOCUMENTS
Generally. *See* **Discovery**.

PROFITS
Partnership—
Dissolution. *See* **Partnership** (Dissolution—Profits).

PROPERTY
Mortgage. *See* **Mortgage**.

PROSECUTION
Evidence—
Generally. *See* **Criminal evidence** (Prosecution evidence).

PROVOCATION
Murder—
Generally. *See* **Criminal law** (Murder—Provocation).

PUBLIC AUTHORITY
Breach of statutory duty—
Damages. *See* **Damages** (Breach of statutory duty—Breach by public authority).
Judicial review—
Decision of public authority—
Challenge to validity by way of application for judicial review. *See* **Judicial review** (Challenge to validity of public authority's decision).

PUBLIC HEALTH
Waste disposal—
Prohibition on unlicensed disposal of waste—
Controlled waste—Appellant operating waste management facility—Employee causing waste to be deposited in breach of appellant's licence—Whether appellant liable for breach—Whether appellant knowingly causing waste to be deposited in breach of licence—Environmental Protection Act 1990, s 33(1). **Shanks & McEwan (Teesside) Ltd v The Environment Agency** [1997] **2** 332, QBD.

PUBLIC INTEREST
Privilege—
Public interest immunity—
Generally. *See* **Privilege** (Public interest immunity).

PUBLIC ORDER
Trespassory assembly. *See* **Criminal law** (Trespassory assembly).

PUBLICATION
Contempt of court—
Publication concerning legal proceedings. *See* **Contempt of court** (Publications concerning legal proceedings).
Obscene. *See* **Criminal law** (Obscene publications).

QUALIFIED PRIVILEGE
Libel and slander. *See* **Libel and slander** (Qualified privilege).

QUEEN'S BENCH DIVISION
Commercial Court. *See* **Commercial Court**.
Leeds and Newcastle upon Tyne. *See* **Practice** (Queen's Bench Division—Leeds and Newcastle upon Tyne).
Liverpool and Manchester. *See* **Practice** (Queen's Bench Division—Liverpool and Manchester).

RACE RELATIONS
Discrimination—
Employment—
Discrimination on racial grounds—Employee subjected to severe verbal and physical racial abuse by fellow employees—Employee resigning as a result of treatment suffered—Whether employers liable for conduct of their employees—Whether employees acting in 'the course of [their] employment'—Race Relations Act 1976, s 32(1). **Jones v Tower Boot Co Ltd** [1997] **2** 406, CA.
Unlawful discrimination—
Provision of goods, facilities or services—
Services—Whether police providing services in assisting or protecting members of the public—Whether commissioner of police vicariously liable for actions of officers—Whether officers authorised agents of commissioner—Race Relations Act 1976, ss 20, 32(2), 53. **Farah v Comr of Police of the Metropolis** [1997] **1** 289, CA.

RADIO
Political advertising—
Ban by Radio Authority on political advertising—
Judicial review of Radio Authority decision. *See* **Judicial review** (Radio Authority—Ban on political advertising).

RECEIVER
Company—
Debenture. *See* **Company** (Debenture—Receiver).
Equitable execution. *See* **Execution** (Equitable execution—Receiver).

REFUGEE
Immigration—
Leave to enter. *See* **Immigration** (Leave to enter—Refugee).

REGISTRATION
Charge—
Charge created by company. *See* **Company** (Charge—Registration).
Land—
Generally. *See* **Land registration**.
Restrictive trading agreement. *See* **Restrictive trade practices** (Registration of agreement).

REHABILITATION
Rehabilitation of offenders—
Spent conviction—
Reference to spent conviction in civil proceedings—Action against police for assault, damage to property, false imprisonment and malicious prosecution—Judge granting application to cross-examine plaintiff as to two previous spent convictions—Whether judge right to do so—Whether justice could be done without doing so—Whether substantial wrong or miscarriage had been occasioned—Rehabilitation of Offenders Act 1974, ss 4(1), 7(3). **Thomas v Comr of Police of the Metropolis** [1997] **1** 747, CA.

RELATED ACTIONS
Conflict of laws. *See* **Conflict of laws** (Stay of proceedings—Discretion).

REMAND
Remand in custody—
Generally. *See* **Criminal law** (Committal—Remand in custody).

RENT RESTRICTION
Death of tenant—
Homosexual partner—
Family of original tenant—Claim by tenant's partner of same sex to remain in possession—Whether partner living with tenant as husband or wife—Whether partner a member of tenant's family—Rent Act 1977, Sch 1, paras 2(2), 3(1). **Fitzpatrick v Sterling Housing Association Ltd** [1997] **4** 991, CA.
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Party giving notice ready and willing to fulfil own outstanding obligations—Notice by vendor—Vendor not deducing title on date set for completion—Vendor eventually deducing title on day notice to complete issued—Contract requiring ten working days' notice to complete—Vendor giving one working day to complete from date of notice—Purchaser not in breach—Purchaser not complying with notice—Vendor rescinding contract—Whether notice to complete ineffective under contract and general law—Whether vendor in breach of contract—Standard Conditions of Sale (2nd edn), condition 6.8. **Country and Metropolitan Homes Surrey Ltd v Topclaim Ltd** [1997] **1** 254, Ch D.
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Consecutive sentences—Defendant remanded in custody in respect of two separate offences—Defendant sentenced at trial to 18 months' imprisonment on each offence—Whether time spent on remand should be deducted from each sentence or from total sentence when calculating release date—Criminal Justice Act 1967, ss 67(1), 104(2). **R v Secretary of State for the Home Dept, ex p Naughton** [1997] **1** 426, QBD.

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Loss of or damage to goods—Limitation of liability—'Package'—Meaning—Cargo loaded in containers—Bills of lading stating containers 'said to contain' specified number of items such as bales, parcels, bags, crates, cartons, or pallets—Liability to be calculated by reference to package—Whether containers or bales etc to be treated as package—Hague Rules, art IV, r 5. **Owners of cargo lately on board the River Gurara v Nigerian National Shipping Line Ltd, The River Gurara** [1997] **4** 498, CA.

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Attention—Claimant suffering from arthritis and incontinence—Incontinence causing extra laundry—Claimant unable to do laundry—Whether taking laundry away to be washed constituting 'attention ... in connection with' bodily functions—Social Security Contributions and Benefits Act 1992, s 64(2)(a). **Cockburn v Chief Adjudication Officer, Secretary of State for Social Security v Fairey (also known as Halliday)** [1997] **3** 844, HL.
Attention—Deaf claimant requiring interpreter to use sign language to communicate with others—Whether provision of interpreter 'attention ... in connection with' bodily functions—Social Security Contributions and Benefits Act 1992, s 72(1)(b)(i). **Cockburn v Chief Adjudication Officer, Secretary of State for Social Security v Fairey (also known as Halliday)** [1997] **3** 844, HL.
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Claimant enrolled on university course of variable character—Claimant classified as part-time during second year of course—Whether claimant at material time 'student' for purposes of income support—Income Support (General) Regulations 1987, reg 61. **Chief Adjudication Officer v Webber** [1997] **4** 274, CA.
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Assessment of needs of sick and disabled persons—
Duty of local authority to assess needs of sick and disabled persons and to provide services to meet such needs—Whether local authority entitled to take into account effect on its resources in assessing and reassessing needs—Chronically Sick and Disabled Persons Act 1970, s 2(1). **R v Gloucestershire CC, ex p Barry** [1997] **2** 1, HL.
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Minor severely mentally and physically handicapped at birth as a result of negligence of hospital—Local authority paying for maintenance of minor at special home—Health authority indemnifying minor and his estate against any liability to local authority in respect of claim to recover its costs in providing services—Local authority several years later seeking to charge for those services—Whether charge had to be made at time services provided—Whether right to indemnity amounted to sufficient means to pay charge—Health and Social Services and Social Security Adjudications Act 1983, s 17. **Avon CC v Hooper** [1997] **1** 532, CA.

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Solicitor acting for both lender and borrower in remortgage transaction—
Lender requesting specific advice concerning title and security but not concerning state of current mortgage account—Solicitor receiving information relating to arrears on current mortgage account and threat of legal proceedings prior to completion—Solicitor failing to pass on information to lender—Whether solicitor in breach of duty to lender. **National Home Loans Corp plc v Giffen Couch & Archer (a firm)** [1997] **3** 808, CA.
Solicitors acting for both building society and lender in mortgage transactions—
Solicitors failing to communicate information to society—Borrowers defaulting and proceeds of sale of repossessed property insufficient to clear mortgage debt—Society bringing actions for damages against solicitors claiming damages for breach of duty at common law—Whether solicitors in breach of duty to society—Damages recoverable by society. **Bristol and West Building Society v Fancy & Jackson (a firm)** [1997] **4** 582, Ch D.
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Mortgage transaction—Solicitor acting for both borrower and society—Advance paid to solicitor to enable completion of purchase of property—Borrower required to pay indemnity premium in respect of additional security (mortgage indemnity guarantee) which society proposed to take from third party—Borrower in default—Insurance company liable to pay society sum computed by reference to amount by which proceeds falling short of outstanding debt due on mortgage—Society paying advance cheque to solicitor on basis of warranty or representation which solicitor knew or ought to have known was misleading—Society entitled to judgment for full amount of loss—Computation of loss—Whether society obliged to give credit for sums recovered or recoverable by it under mortgage indemnity guarantee. **Bristol and West Building Society v May May & Merrimans (a firm) (No 2)** [1997] **3** 206, Ch D.

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Lien over documents in respect of unpaid costs—Solicitor discharged during course of action—Client instructing new solicitor—First solicitor handing documents over to second solicitor—Second solicitor undertaking to hold documents to first solicitor's order in respect of outstanding fees and disbursements—Second solicitor photocopying documents and transmitting copies to client—Undertaking containing no express embargo on photocopying—Whether second solicitor in breach of undertaking. **Bentley v Gaisford** [1997] **1** 842, CA.

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Extent of immunity—Plaintiff 's conviction quashed on appeal—Plaintiff suing solicitors for negligence in conduct of his defence in criminal proceedings—Whether solicitors immune from suit—Whether relitigating criminal trial contrary to public policy. **Acton v Graham Pearce & Co (a firm)** [1997] **3** 909, Ch D.

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Liability of solicitor for acts of partner—Plaintiff bringing action against partnership for negligence—Second defendant contending that he was not a partner in firm, but was merely held out as a partner—Whether second defendant liable on basis that he was a partner—Whether second defendant liable on basis that he was held out as a partner—Partnership Act 1890, s 14(1). **Nationwide Building Society v Lewis** [1997] **3** 498, Ch D.

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Duty of care—Instructions to draw up will conferring benefit on identified beneficiary—Solicitor failing to ensure that testatrix severed her joint tenancy in property disposed of by will—Property passing by survivorship and gift to beneficiary ineffective—Whether solicitor owing a duty of care to intended beneficiary—Whether solicitor liable in negligence to beneficiary. **Carr-Glynn v Frearsons (a firm)** [1997] **2** 614, Ch D.

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Solicitors instructed by undischarged bankrupt in property claim—Solicitors unaware of client's bankruptcy—Solicitors not acting improperly, unreasonably or negligently—Solicitors commencing action and obtaining Mareva injunction—Injunction discharged on client admitting he was a bankrupt—Judge ordering solicitors to pay costs of proceedings—Whether proper exercise of discretion. **Nelson v Nelson** [1997] **1** 970, CA.

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Application for leave to apply for judicial review withdrawn at hearing attended by prospective respondent—Whether wasted costs order appropriate—Whether prospective respondent a 'party' to proceedings—Whether court having jurisdiction to make wasted costs order in favour of prospective respondent—Supreme Court Act 1981, ss 51, 151. **R v Camden London BC, ex p Martin** [1997] **1** 307, QBD.

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Solicitor mistakenly believing that he was representing vendor and negotiating on vendor's behalf with purchaser's solicitor whom he knew to be acting for building society—Whether solicitor giving warranty of authority to both purchaser and building society—Whether building society's loss caused by solicitor's breach of warranty. **Penn v Bristol and West Building Society** [1997] **3** 470, CA.

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Contributory negligence—Claim based on alleged bribery of plaintiff's employee by defendants—Whether defendants' liability falling to be extinguished or reduced if plaintiff had opportunity to investigate and failed to take it—Whether contributory negligence a defence to a claim based on bribery. **Corporacion Nacional del Cobre de Chile v Sogemin Metals Ltd** [1997] **2** 917, Ch D.
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Challenge to validity—Criminal proceedings for failure to comply with enforcement notice—Whether defendant entitled to challenge validity of notice in criminal proceedings—Town and Country Planning Act 1990, s 179(1). **R v Wicks** [1997] **2** 801, HL.

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TRESPASSORY ASSEMBLY
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Trustee using funds held on trust for prospective property purchasers to pay premiums payable under life assurance policy for benefit of defendants—Following death of trustee proceeds under policy paid to defendants—Whether purchasers able to trace their money into proceeds of policy—Whether purchasers entitled to pro rata share in proceeds. **Foskett v McKeown** [1997] **3** 392, CA.
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Clause excluding liability of trustees for loss or damage to trust property unless caused by actual fraud—Beneficiary commencing action for breach of trust—Whether trustees absolved from liability—Meaning of 'actual fraud'—Whether exemption clause void for repugnancy or on grounds of public policy. **Armitage v Nurse** [1997] **2** 705, CA.
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